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13 *Attorneys for Defendants State of Nevada ex rel.
Nevada Department of Corrections, Charles Daniels
William Quenga, Brian Williams, James Jones,
William Gittere, Calvin Johnson, Jeremy Bean,
Frank Dreesen, Gary Piccinini, and Ronald Oliver*

16 UNITED STATES DISTRICT COURT

17 DISTRICT OF NEVADA

18 NICHOLAS SNIDER and LAUREN
19 SNIDER, individually and as Special
Administrators of the ESTATE OF
ISAIAH SHARP, Deceased

20 Plaintiff,

21 vs.

22 STATE OF NEVADA, on relation of the
23 NEVADA DEPARTMENT OF
CORRECTIONS; CHARLES DANIELS,
24 individually and as Director of the
Department of Corrections; et al.

25 Defendants.

26 Case No. 2:22-cv-01723-RFB-VCF

27 DEFENDANTS' ANSWER TO
PLAINTIFFS' SECOND AMENDED
COMPLAINT

28 Defendants, Nevada Department of Corrections ("NDOC"), Charles Daniels, William
Quenga, Brian Williams, James Jones, Calvin Johnson, Calvin Johnson, Jeremy Bean,

1 Frank Dreesen, Gary Piccini, and Ronald Oliver (collectively, the “Individual Defendants”),
2 by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, Craig
3 Newby, Chief Litigation Counsel, D. Randall Gilmer, Chief Deputy Attorney General and
4 Douglas R. Rands, Senior Deputy Attorney General, hereby answer Plaintiffs’ Second
5 Amended Complaint (“Complaint”) as follows:

6 **A. STATEMENT OF JURISDICTION AND VENUE**

7 1. Defendants admit jurisdiction exists under NRCP 8(a)(4), NRS 13.040 and
8 NRS 41.130. Defendants deny jurisdiction is proper on any other basis.

9 **B. PARTIES**

10 2. Defendants are without sufficient knowledge or information to admit or deny
11 the allegations set forth in this paragraph, and therefore, deny on that basis.

12 3. Defendants admit that the Nevada Department of Corrections is a
13 Department of the State of Nevada, and that High Desert State Prison is a prison facility
14 within the Nevada Department of Corrections. Defendants deny all remaining allegations
15 set forth in this paragraph.

16 4. Defendants admit that Charles Daniels is a Nevada resident and was
17 employed by the Nevada Department of Corrections as its Director. Defendants deny all
18 remaining allegations set forth in this paragraph.

19 5. Defendants admit that William Quenga is a Nevada resident, employed by the
20 Nevada Department of Corrections and was its Deputy Director. Defendants deny all
21 remaining allegations set forth in this paragraph.

22 6. Defendants admit that Brian Williams is a Nevada resident, employed by the
23 Nevada Department of Corrections and was its Deputy Director of Operations. Defendants
24 deny all remaining allegations set forth in this paragraph.

25 7. Defendants admit that James Jones is a Nevada resident and employed by
26 the Nevada Department of Corrections as its Inspector General. Defendants deny all
27 remaining allegations set forth in this paragraph.

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1 8. Defendants admit that William Gittere is a Nevada resident, employed by the
2 Nevada Department of Corrections and was its acting Deputy Director of Programs.
3 Defendants deny all remaining allegations set forth in this paragraph.

4 9. Defendants admit that Calvin Johnson is a Nevada resident and employed by
5 the Nevada Department of Corrections as the Warden of High Desert State Prison.
6 Defendants deny all remaining allegations set forth in this paragraph.

7 10. Defendants admit that Jeremy Bean is a Nevada resident and employed by
8 the Nevada Department of Corrections as an Associate Warden of High Desert State
9 Prison. Defendants deny all remaining allegations set forth in this paragraph.

10 11. Defendants admit that Frank Dreesen is a Nevada resident, employed by the
11 Nevada Department of Corrections and was an Associate Warden at High Desert State
12 Prison. Defendants deny all remaining allegations set forth in this paragraph.

13 12. Defendants admit that Gary Piccinini is a Nevada resident and was employed
14 by the Nevada Department of Corrections as an Associate Warden at High Desert State
15 Prison. Defendants deny all remaining allegations set forth in this paragraph.

16 13. Defendants admit that Ronald Oliver is a Nevada resident and employed by
17 the Nevada Department of Corrections and as an Associate Warden at High Desert State
18 Prison. Defendants deny all remaining allegations set forth in this paragraph.

19 14. Defendants are without sufficient knowledge or information to admit or deny
20 the allegations set forth in this paragraph, and therefore, deny on that basis.

21 15. Defendants are without sufficient knowledge or information to admit or deny
22 the allegations set forth in this paragraph, and therefore, deny on that basis.

23 16. Defendants are without sufficient knowledge or information to admit or deny
24 the allegations set forth in this paragraph, and therefore, deny on that basis.

25 17. Defendants are without sufficient knowledge or information to admit or deny
26 the allegations set forth in this paragraph, and therefore, deny on that basis.

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1 **C. GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

2 18. Defendants admit that Isaiah Sharp was incarcerated within the Nevada
3 Department of Corrections beginning in 2018. Defendants are without sufficient
4 knowledge or information to admit or deny the remaining allegations set forth in this
5 paragraph, and therefore, deny on that basis.

6 19. Defendants are without sufficient knowledge or information to admit or deny
7 the allegations set forth in this paragraph, and therefore, deny on that basis.

8 20. Defendants admit that Tonopah Conservation Camp is a prison facility within
9 the Nevada Department of Corrections. Defendants are without sufficient knowledge or
10 information to admit or deny the remaining allegations set forth in this paragraph, and
11 therefore, deny on that basis.

12 21. Defendants are without sufficient knowledge or information to admit or deny
13 the allegations set forth in this paragraph, and therefore, deny on that basis.

14 22. Defendants admit that Andrew Hilford has been incarcerated within the
15 Nevada Department of Corrections since 2008. Defendants are without sufficient
16 knowledge or information to admit or deny the remaining allegations set forth in this
17 paragraph, and therefore, deny on that basis.

18 23. Defendants admit that Andrew Hilford was incarcerated within the Nevada
19 Department of Corrections at High Desert State Prison on January 21, 2021. Defendants
20 are without sufficient knowledge or information to admit or deny the remaining allegations
21 set forth in this paragraph, and therefore, deny on that basis.

22 24. Defendants admit that Isaiah Sharp shared a cell with Andrew Hilford on
23 March 14, 2021 and that Isaiah Sharp was found unresponsive in his cell on that date.
24 Defendants are without sufficient knowledge or information to admit or deny the remaining
25 allegations set forth in this paragraph, and therefore, deny on that basis.

26 25. Defendants are without sufficient knowledge or information to admit or deny
27 the allegations set forth in this paragraph, and therefore, deny on that basis.

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1 **D. FIRST CAUSE OF ACTION**
2 **Negligence**

3 26. Defendants repeat and reallege the responses set forth in the preceding
4 paragraphs.

5 27. Defendants admit they owed a duty of care to Isaiah Sharp. Defendants deny
6 the remaining allegations set forth in this paragraph.

7 28. Defendants deny the allegations set forth in this paragraph.

8 29. Defendants deny the allegations set forth in this paragraph.

9 30. Defendants deny the allegations set forth in this paragraph.

10 31. Defendants deny the allegations set forth in this paragraph.

11 32. Defendants deny the allegations set forth in this paragraph.

12 **E. SECOND CAUSE OF ACTION**
13 **Violation of 42 U.S.C. § 1983**

14 33. Defendants repeat and reallege the responses set forth in the preceding
15 paragraphs.

16 34. Defendants are without sufficient knowledge or information to admit or deny
17 the allegations set forth in this paragraph, and therefore, deny on that basis.

18 35. The references set forth in this paragraph do not require a response. To the
19 extent a response is required, Defendants admit.

20 36. Defendants admit that Isaiah Sharp was United States citizen. Defendants
21 are without sufficient knowledge or information to admit or deny the remaining allegations
22 set forth in this paragraph, and therefore, deny on that basis.

23 37. Defendants admit that Isaiah Sharp had rights under the Eighth and
24 Fourteenth Amendments of the United States Constitution.

25 38. Defendants deny the allegations set forth in this paragraph.

26 39. Defendants deny the allegations set forth in this paragraph.

27 40. Defendants deny the allegations set forth in this paragraph.

28 41. Defendants deny the allegations set forth in this paragraph.

1 42. Defendants deny the allegations set forth in this paragraph.

2 43. Defendants deny the allegations set forth in this paragraph.

3 **F. THIRD CAUSE OF ACTION**

4 **Violation of the Constitution of the State of Nevada**

5 44. Defendants repeat and reallege the responses set forth in the preceding
6 paragraphs.

7 45. Defendants admit that the Nevada Department of Corrections is a
8 Department of the State of Nevada.

9 46. Defendants admit that Defendants Daniels, Quenga, Williams, Jones, Gittere,
10 Johnson, Bean, Dreesen, Piccinini and Oliver are or were employed by the Nevada
11 Department of Corrections. Defendants are without sufficient knowledge or information
12 to admit or deny the remaining allegations with respect to other Defendants set forth in
13 this paragraph, and therefore, deny on that basis.

14 47. Defendants deny the allegations set forth in this paragraph.

15 48. Defendants admit the allegations set forth in this paragraph.

16 49. Defendants admit that Isaiah Sharp was a Nevada citizen and had rights
17 under the Nevada Constitution.

18 50. The references set forth in this paragraph do not require a response. To the
19 extent a response is required, Defendants admit.

20 51. The references set forth in this paragraph do not require a response. To the
21 extent a response is required, Defendants admit.

22 52. The references set forth in this paragraph do not require a response. To the
23 extent a response is required, Defendants admit.

24 53. The references set forth in this paragraph do not require a response. To the
25 extent a response is required, Defendants admit.

26 54. The references set forth in this paragraph do not require a response. To the
27 extent a response is required, Defendants deny.

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1 55. The references set forth in this paragraph do not require a response. To the
2 extent a response is required, Defendants admit.

3 56. The references set forth in this paragraph do not require a response. To the
4 extent a response is required, Defendants deny.

5 57. Defendants admit that Isaiah Sharp had rights under the Nevada
6 Constitution.

7 58. Defendants deny the allegations set forth in this paragraph.

8 59. Defendants deny the allegations set forth in this paragraph.

9 60. Defendants deny the allegations set forth in this paragraph.

10 61. Defendants deny the allegations set forth in this paragraph.

11 62. Defendants deny the allegations set forth in this paragraph

12 63. Defendants admit that they acted in the course and scope of their employment
13 while on duty. Defendants deny the remaining allegations set forth in this paragraph.

14 64. Defendants deny the allegations set forth in this paragraph.

15 65. Defendants deny the allegations set forth in this paragraph.

16 **G. AFFIRMATIVE DEFENSES**

17 Defendants assert the following Affirmative Defenses:

18 **FIRST AFFIRMATIVE DEFENSE**

19 The Complaint fails to state a claim upon which relief can be granted.

20 **SECOND AFFIRMATIVE DEFENSE**

21 Defendants are not personally involved in the cause in fact and/or the proximate
22 cause of the alleged constitutional deprivations.

23 **THIRD AFFIRMATIVE DEFENSE**

24 This action is time-barred by applicable statutes of limitations.

25 **FOURTH AFFIRMATIVE DEFENSE**

26 Defendants, at all relevant times, acted in good faith. Therefore, Defendants are
27 entitled to qualified good faith immunity from damages.

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FIFTH AFFIRMATIVE DEFENSE

Defendants are entitled to qualified and absolute immunity.

SIXTH AFFIRMATIVE DEFENSE

At all relevant times herein, Defendants acted in accordance with applicable law and prison procedures that are constitutionally required.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs failed to state a cognizable constitutional claim under the Nevada Constitution, the Nevada Revised Statutes, the United States Constitution and 42 U.S.C. § 1983.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs failed to mitigate damages, if any, and therefore, are barred from seeking any damages hereunder.

NINTH AFFIRMATIVE DEFENSE

The decedent was negligent in his conduct and such negligence is the sole, primary and superseding cause of any damages sustained by Plaintiffs.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' punitive damage claims are barred by law.

ELEVENTH AFFIRMATIVE DEFENSE

Defendants are immune from liability because the acts complained of were discretionary in nature or were performed while carrying out a statute or regulation.

TWELFTH AFFIRMATIVE DEFENSE

At all-times relevant, Defendants held a good faith belief that they were acting reasonably and that their actions were privileged and legally justified.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' alleged damages were legally and proximately caused by third parties.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' conduct constitutes a waiver of any alleged wrongful conduct undertaken by the answering Defendants.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' conduct ratified any alleged wrongful conduct by the answering Defendants.

SIXTEENTH AFFIRMATIVE DEFENSE

Defendants are immune from liability as a matter of law.

SEVENTEENTH AFFIRMATIVE DEFENSE

Defendants are entitled to sovereign immunity.

EIGHTEENTH AFFIRMATIVE DEFENSE

The negligence of Plaintiffs caused or contributed to any injuries or damages which Plaintiffs may have sustained, and the negligence of the Defendants, if any, requires that the damages of Plaintiffs be denied or diminished in proportion to the amount of negligence attributable to Plaintiffs.

NINETEENTH AFFIRMATIVE DEFENSE

Defendants cannot be sued for monetary damages while acting in their official capacity in a civil rights action.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiffs are estopped from pursuing any claim against Defendants in accordance with equitable principles of jurisprudence.

TWENTY-FIRST AFFIRMATIVE DEFENSE

The doctrines of res judicata and/or collateral estoppel bar Plaintiffs from asserting the matters set forth in their Complaint and also acts as a bar to any relief sought by Plaintiffs.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Defendants reserves the right to amend this answer to allege additional affirmative defenses if subsequent discovery so warrants.

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WHEREFORE, Defendants pray for relief as follows:

1. That Plaintiffs take nothing by virtue of their Complaint.
 2. For attorney fees and costs of suit herein.
 3. A jury trial is demanded.

DATED this 9th day of December, 2022.

AARON D. FORD
Attorney General

By: /s/ Douglas R. Rands
DOUGLAS R. RANDS, Bar No. 3572
Senior Deputy Attorney General

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on December 9, 2022, I electronically filed the foregoing, **DEFENDANTS' ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT**, via this Court's electronic filing system. Parties that are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada, addressed to the following:

Leah Ronhaar, Esq.
William Jeanney, Esq.
BRADLEY, DRENDEL & JEANNY
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An employee of the
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